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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,099	02/27/2004	Joseph L. Hellerstein	YOR920030549US1 (590.127)	9008
	7590 02/24/200 ASSOCIATES LLC	EXAMINER		
409 BROAD ST		ZHE, MENG YAO		
PITTSBURGH,	, PA 15143		ART UNIT	PAPER NUMBER
			2195	
			MAIL DATE	DELIVERY MODE
			02/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/789,099	HELLERSTEIN ET AL.		
Examiner	Art Unit		

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address - THE REPLY FILED 12 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  1. ■ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (vin appeal feet) in compliance with 37 CFR 1.314; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.714. The reply must be filed within one of the following time of the period for reply expires 3 months from the mailing date of the final rejection.  The period for reply expires 3 months from the mailing date of the final rejection.  Examiner Note: if for it is checked, check either box (s) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRM REJECTION. See MFEP 706.377.  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension feet was been filed in the date for purposes of determining the period of textension and the corresponding amount of the fee. The appropriate extension feet under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as est from in (r) above, if checked. An preply reside by the Office later than three months after the mailing date of the final rejection of the final		MENGYAO ZHE	2195	
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidaty, or other evidency, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) ☑ The period for reply expires ②months from the mailing date of the final rejection.  b) ☐ The period for reply expires ⊙months from the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REFLY WAS FILED WITHIN TWO MONTHS for THE FIRMA REJECTION. See MFEP 705.07(f).  Extensions of sime may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(g) and the appropriate extension fee wards 73 CFR 1.174(s) is calculated from: (1) the outprison date of the shortened statutory period for reply originally sat in the final Office action: (rC) as many reduce any example patient term diplosment. See 37 CFR 1.734(b).  NOTICE OF APPEAL.  □ The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.137(b), to avoid dismissal of the appropriate of the period of the shortened statutory period for reply originally sat in the final Office action: (rC) as many reduce any search patient term diplosment. See 37 CFR 1.734(b).  NOTICE OF APPEAL.  □ The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.137(b), to avoid dismissal of the appeal. Since a Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 4.137(a).  AMENDMENTS  □ The Process of Appeal was been filed, any reply must be filed within the time period of filing a brief, will not be entered because (a) ☐ They raise now issues that would require	The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 GFR 1.114. The reply must be filed within one of the following time periods:  a) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection. The period for reply expires are (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection. The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection. Examiner Note: (16 to 1: checked, check either box (a) or (4), ONLY CHECK BOX (b) WHEN THE FIRST REPLY STIELD WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f), ONLY CHECK BOX (b) WHEN THE FIRST REPLY STIELD WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f), ONLY CHECK BOX (b) WHEN THE FIRST REPLY STIELD WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f), ONLY CHECK BOX (b) WHEN THE FIRST REPLY STIELD WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f), ONLY CHECK BOX (b) WHEN THE FIRST REPLY STIELD WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f), ONLY CHECK BOX (b) WHEN THE FIRST REPLY STIELD WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f), ONLY CHECK BOX (b) WHEN THE FIRST REPLY STIELD WITHIN TWO MONTHS OF THE ADVISOR AND	THE REPLY FILED <u>12 January 2009</u> FAILS TO PLACE THIS A	PPLICATION IN CONDITION FOR	R ALLOWANCE.	
b)	application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C	replies: (1) an amendment, affidavireal (with appeal fee) in compliance	t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1.5 schecked, check either box (a) or (b). NIX Y CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of the final rejection, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, over if timely filled, may reduce any area and patent time adjustment. See 37 CFR 1.70(th).  NOTICE OF APPEAL  2. The Notice of Appeal was filled on A brief in compliance with 37 CFR 41.37 must be filled within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They raise new issues that would require further consideration and/or search (see NOTE below);  (c) They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They present additional claims without cancelling a corresponding	<u></u>	of the final rejection.		
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filling the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. The proposed amendment(s) filed after a final rejection, but prior to the date of filling a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:	no event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (I MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f	iter than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE ).	g date of the final rejection FIRST REPLY WAS FIL	n. LED WITHIN TWO
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(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:		cer form for appear by materially rec	adding of Simplifying th	10 133003 101
5.  Applicant's reply has overcome the following rejection(s):  6.  Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows: Claim(s) allowed: None. Claim(s) objected to: None. Claim(s) objected to: None. Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER  11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)	-	corresponding number of finally reje	ected claims.	
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non-allowable claim(s).  7.				
how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: None.  Claim(s) objected to: None.  Claim(s) rejected: 1-23.  Claim(s) rejected: 1-23.  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  /Meng-Ai An/	non-allowable claim(s).	·	•	-
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<ul> <li>AFFIDAVIT OR OTHER EVIDENCE</li> <li>8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</li> <li>9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</li> <li>10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</li> <li>REQUEST FOR RECONSIDERATION/OTHER</li> <li>11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.</li> <li>12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).</li> <li>13. Other:</li> <li>/Meng-Ai An/</li> </ul>				
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13. ☐ Other: /Meng-Ai An/	<del></del>	does NOT place the application in	condition for allowand	ce because:
		PTO/SB/08) Paper No(s)		
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Continuation of 11. does NOT place the application in condition for allowance because: The applicant argues the following:

- i) Hayes does not teach for each RFC to be done, assigning individual tasks within each RFC to acceptable servers.
- ii) Hayes merely assumes jobs consist of a single task whereas the applicant claims for a collection of multiple tasks.
- iii) Xu does not teach the limitations of claims 3 and 14.

The Examiner respectfully disagrees, as to point:

- i) In Para 37, Hayes teaches routing client requests to plurality of servers. What these requests are is basically resources need for devices to operate (Abstract). So the server is responsible for the tasks of distributing resources to each client device.
- ii) As stated in the previous Final Action, Hayes teaches a class, which is a group of devices containing many individual devices, each with its own resource needs. So when a client requests for resources for an entire class, this will correspond to the RFC, which contains many individual tasks that corresponds to the individual task of resource distribution for each device (Para 27, 29, 30).
- iii) Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.